

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SANTIAGO PENA,

Defendant.

**Criminal No. 17-CR-10390-WGY**

**GOVERNMENT'S SENTENCING MEMORANDUM**

On March 19, 2018, the defendant Santiago Pena pleaded guilty to Count 1 of the Indictment, which charged him with conspiracy to distribute and possess with intent to distribute 40 grams or more of fentanyl, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B)(vi). There is no written plea agreement in this case.

The revised Pre-sentence Report prepared by the United States Probation Office (USPS), revised June 13, 2019 (PSR), concluded that the defendant's advisory guideline sentencing range (GSR) was 30-37 months, based on a Total Offense Level of 19 and a Criminal History Category of I. (PSR ¶¶ 115 and 120). The government agrees with this calculation and the defendant has not objected to the calculation.

For the reasons set forth in the revised PSR, the government believes a sentence at the low end of the guideline range as calculated by the Court is the minimum sentence sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. § 3553.

Respectfully submitted,  
ANDREW E. LELLING  
United States Attorney

By: /s/ Alathea E. Porter  
Alathea E. Porter  
Philip Cheng  
ASSISTANT UNITED STATES ATTORNEYS

Dated: June 17, 2019

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on June 17, 2019.

By: /s/ Alathea E. Porter  
Alathea E. Porter  
Assistant U.S. Attorney